



## BACKGROUND

### California Dependency Courts and the Hearing Process

#### **DEPENDENCY COURT**

- Decides allegations of abuse and neglect
- Seeks safety, well-being, and permanence for children and families who come before the court.
- Orders services for every child who enters or leaves foster care, including placement, education, medication, and visitation.
- Is a department of the Superior Court of California in each county.
- Is one of two branches of Juvenile Court; the other is Delinquency Court.

If the court removes a child from the home, the court will:

- Order services for the family to improve the home conditions so the child can return home.
- Ensure that someone has custody of the child and that the child gets the care and structure needed to be safe and protected.

#### **THE HEARING PROCESS**

Dependency court judges and officials preside over at least four hearings in the course of an average case. Other hearings are also involved, depending on the nature of the case. The various hearings include:

##### **Initial/Detention Hearing**

This hearing takes place after a petition is filed following an investigation by a social worker which indicates the child's safety is jeopardized. The worker files the petition to declare the child a dependent of the court. If the child is removed from parents or guardians, the hearing takes place the day after the petition is filed. The court must decide if:

- The child can stay safely at home or should live somewhere else temporarily.

##### **Jurisdictional Hearing**

If the child is removed, the court must decide within 15 days if the allegations of abuse or neglect are true. The county child welfare agency must prove the allegations are true. If the parents or guardians dispute or contest the allegations the court holds a trial.

##### **Dispositional Hearing**

Within 10 days of the Jurisdictional Hearing, the court must decide what should happen with the child. The judge can:

- Dismiss the case and the child will remain at or return home.
- Let the child live with a parent on "family maintenance," which means a social worker and the court supervise the child.
- Place the child with a nonoffending parent while offering the offending parent "family reunification" services.
- Remove the child from the parents' care and place with a relative, foster parent, or group home, while offering the parents "family reunification" services.

- Not order reunification services and set the matter for a permanency hearing to determine the most appropriate permanent plan for the child.

The court may decide not to offer the parents family reunification services in a number of circumstances, including:

- The child or a brother or sister has been seriously abused or killed.
- The parent had another child taken away by the court.
- The parents tried family reunification services previously and they were unsuccessful.
- The parents have serious drug problems that are not being treated.

### **Six-Month Review Hearing**

The court must review all cases every six months to see:

- How the child is doing.
- How the parents are doing with court-ordered services.
- If the child lives with a parent, the court can:
  - 1) Dismiss the case.
  - 2) Keep supervising the child with family maintenance.
- If the child does not live at home, the court can:
  - 1) Reunify the family while continuing family maintenance services or dismiss the case.
  - 2) Keep the child in placement and order continued family reunification services.

### **Permanency Hearing**

Within 12 months of the date the child enters foster care, there must be a hearing in which the court decides:

- If the child will be able to return home safely in the near future, to continue reunification services for another six months.
- If the court determines the child cannot return home, to terminate reunification services and set the case for a hearing to determine the most appropriate permanent plan for the child which may be adoption, legal guardianship, or another planned, permanent living arrangement.

### **Selection and Implementation Hearing**

- If reunification services have been terminated, a selection and implementation hearing must be held within 120 days. This includes an assessment of whether the child is likely to be adopted and identifies any prospective adoptive parent or guardians.
- At this hearing, the court can terminate parental rights if the child is likely to be adopted.

### **Ongoing Review Hearings**

The court must continue to review all open cases at least every six months to monitor the child's progress and needs. This continues until the child is adopted, legal guardianship is established, or the case is dismissed for some other reason.

*The information for this fact sheet was adapted from "Caregivers and the Courts: A Primer on Juvenile Dependency Proceedings for California Foster Parents and Relative Caregivers," published by the Center for Families, Children and the Courts, Administrative office of the Courts, Judicial Council of California Web site: <http://www.courtinfo.ca.gov/programs/cfcc/pdf/caregive.pdf> and from the Superior Court of California County of Santa Clara Self Service Center's Web site: [www.scselselfservice.org/juvdep/nature.htm](http://www.scselselfservice.org/juvdep/nature.htm).*